

IN RE: PETITION FOR SPECIAL EXCEPTION
Cor. SW/S Old North Point Road
NW side of Berkshire Road
1056 Old North Point Road
7th Councilmanic District
12th Election District
Legal Owner:
Baltimore County, Maryland
Tenant: Southwestern Bell Mobile
Systems, Inc. t/a Cellular One
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-169-X

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner requests approval of a Special Exception for a wireless transmitting facility (on an existing public tower), pursuant to Section 1901.1.C.20 of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Southwestern Bell Mobile Systems, Inc. t/a Cellular One, (Tenant) was represented by Newton Williams, Esquire. Appearing on behalf of the Petitioner was Emiliene O'Rourke, Real Estate Manager, David Ransone, Professional Surveyor, Ronald F. Steg and Joseph E. Joyce. There were no Protestants.

Testimony indicated that the subject property known as 1056 Old North Point Road is owned by Baltimore County, Maryland, and is improved with the Eastview Fire Station No. 15 and the subject transmission tower which has existed for several years as a County Communications Network. The property consists of 2.3 acres +/- and is zoned D.R.10.5.

Ms. O'Rourke testified that Cellular One has been experiencing "dead spots" on the eastern portion of the Baltimore Beltway and Baltimore County, generally, which is the result of insufficient antennae in this area of the County. Ms. O'Rourke testified that Cellular One has planned

to place a total of eight (8) additional antennae on the existing 140 foot tower. She indicated that six (6) will be placed at the 130 foot level and two (2) will be placed at the 140 foot level which would extend approximately 10 feet above the top of the tower for a total height of 150 feet. She also testified that Cellular One has planned an 8x14 foot, +/-, prefabricated brick veneer equipment building indicated on Petitioner's Exhibit 1. She testified that this building would be unmanned, receiving only several visits a month by Cellular One technicians. She also testified that Cellular One has planned \$8,000 to \$12,000 in landscaping for this site and, additionally, will pay \$24,000 per year to Baltimore County as rent for the use of the tower.

Mr. David Ransone testified regarding the layout of the subject site. He testified that the current parking spaces numbering twenty (20) exceed that required by the Baltimore County Zoning Regulations (B.C.Z.R.) by five (5). He stated that, in his opinion, the Petitioner's proposal would have no adverse impact on the health, safety or general welfare of this community.

Mr. Ronald Steg prepared the environmental impact assessment statement which was introduced at the hearing as Petitioner's Exhibit No. 6. Mr. Steg's study concluded that the microwave transmissions from this particular site pose no health hazard to the surrounding community. He testified that a microwave oven will emit higher levels of microwaves than that detectable at the bottom of the subject tower. He also indicated that the tower will have little or no impact on the flight of migratory birds in this area.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 10.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

A Special Exception for wireless transmitting and receiving facilities are governed by special regulations found in Section 502.7 of the B.C.Z.R. This site, as shown on Petitioner's Exhibit 1 is not within one and one-half miles of any existing historical districts on the Baltimore County Final Historic Landmarks list or any other listed historic districts. Therefore, the request complies with the requirements of Section

502.7.A of the B.C.Z.R. Furthermore, this project is covered by paragraph 502.7.B.1 and complies with those legal requirements for location.

The facts in evidence establish that this project is being located on an existing structure over 50 feet in height. Therefore, the exemptions provided in Section 502.7.D. as listed below apply to this use:

D. Exceptions. (Bill No. 64, 1986.)

1. The provisions of subparagraphs 502.7.C.1, 2, 3, 4 and 5 do not apply to wireless transmitting or receiving structures that are mounted on any existing structure over fifty (50) feet in height.

Finally, the Petitioner's evidence establishes that the proposed use on the existing tower will comply with the requirements of Section 502.7.C.6 through 11 and the Special Exception should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, Maryland, this 16th day of Nov. 1989 that the Petition for Special Exception for a wireless transmitting facility (on an existing public tower), pursuant to Section 1901.1.C.20 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction, which are conditions precedent to the relief granted herein.

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

JRH:mmn
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

November 15, 1989

Dennis F. Ransone
Dennis F. Ransone
County Executive

Newton Williams, Esquire
700 Court Towers
Towson, Maryland 21204

RE: Case No. 90-169-X
Southwestern Bell Mobile Systems, Inc., t/a Cellular One
Tenant
Baltimore County, Maryland - Legal Owner
Petitioner

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
cc: Peoples Counsel

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-169-X

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a wireless transmitting facility (on an existing public tower) pursuant to Section 1901.1.C.20 (B.C.Z.R.).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

OWNER/PATRON/TELEPHONE: TENANT:
Southwestern Bell Mobile Systems, Inc.
(Type or Print Name)
t/a Cellular One

Signature: *Emiliene O'Rourke*
Emiliene O'Rourke
Real Estate Manager
7855 Walker Drive
Address

Greenbelt, Maryland 20770
City and State

Attorney for Petitioner:

Stephen J. Nolan
(Type or Print Name)

Signature: *Stephen J. Nolan*
Stephen J. Nolan
300 E. Joppa Rd, Suite 1105
Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: (301) 823-7809

Legal Owner(s):
Baltimore County, Maryland
(Type or Print Name)

Signature: *Arnold Jablon*
Arnold Jablon, County Attorney
(Type or Print Name)

Signature

County Attorney's Office 887-4420
Address

Towson, Maryland 21204
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Stephen J. Nolan
Name

300 E. Joppa Road 301-823-7800
Address Suite 1105
Towson, MD 21204 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of Nov. 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 15th day of Nov. 1989 at 8:30 o'clock P.M.

J. Robert Haines
J. Robert Haines
Zoning Commissioner of Baltimore County

Tracking System

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Date: 11/16/89
Receipt FEE
Number TYPE Identification Number Council District Election District Zip Code

Petitioner: Southwestern Bell (Last) (First) (Middle Initial)

Property Address: 1056 Old North Point Rd (Number) (Street)

BALTIMORE COUNTY, MARYLAND		No. 068276	
OFFICE OF FINANCE & REVENUE DIVISION			
MISCELLANEOUS CASH RECEIPT			
DATE RECEIVED: 11/16/89		AMOUNT: \$125.00	
FROM: J. Robert Haines		FOR: J. Robert Haines	
SIGNATURE: <i>J. Robert Haines</i>		SIGNATURE: <i>J. Robert Haines</i>	
DATE: 11/16/89		DATE: 11/16/89	
TIME: 1:30 PM		TIME: 1:30 PM	
BY: J. Robert Haines		BY: J. Robert Haines	
TITLE: Zoning Commissioner		TITLE: Zoning Commissioner	
OFFICE: Baltimore County		OFFICE: Baltimore County	
CITY: Towson		CITY: Towson	
STATE: MD		STATE: MD	
ZIP: 21204		ZIP: 21204	
VALID FOR SIGNATURE OF CASHIER			
RECEIVED BY: J. Robert Haines			
DATE: 11/16/89			
TIME: 1:30 PM			
BY: J. Robert Haines			
TITLE: Zoning Commissioner			
OFFICE: Baltimore County			
CITY: Towson			
STATE: MD			
ZIP: 21204			

PHILIP C. DODD
PHILIP C. DODD
PHILIP C. DODD
PHILIP C. DODD
PHILIP C. DODD

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

PHILIP C. DODD
PHILIP C. DODD
PHILIP C. DODD
PHILIP C. DODD
PHILIP C. DODD

Jun 2, 1989

FOR ZONING PURPOSES ONLY

All that piece or parcel of land situate, lying and being in the Twelfth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the intersection of the southwest side of Old North Point Road, 60 feet wide and the northwest side of Berkshire Road, 50 feet wide, and running thence and binding on the northwest side of Berkshire Road the three following lines viz: South 36 degrees 29 minutes West 12 feet, Southerly by a line curving to the left having a radius of 506.46 feet for an arc distance of 306.13 feet and South 01 degree 51 minutes West 60.4 feet, thence leaving Berkshire Road and running the six following lines viz: North 88 degrees 09 minutes West 115 feet Northwesterly by a line curving to the right having an arc distance of 61.3 feet, North 51 degrees 19 minutes 20 seconds West 135.97 feet, Northwesterly by a line curving to the right having an arc distance of 36 feet, more or less North 46 degrees 56 minutes East 27 feet, more or less and North 46 degrees 56 minutes East 438 feet more or less to intersect the aforesaid southwest side of Old North Point Road and thence binding on the southwest side of said Road, South 54 degrees 45 minutes, more or less, East 135 feet more or less to the place of beginning.

Containing 2.3 Acres of land more or less

The improvements thereon known as No. 1056 Old North Point Road.



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 837-3353

J. Robert Haines
Zoning Commissioner

DATE 10/24/87



Dennis F. Rasmussen
County Executive

Southwestern Bell Mobile Systems, Inc.
t/a Cellular One
7855 Walker Drive
Greenbelt, Maryland 20770

ATTN: EMILIE O'Rourke

Re: Petition for Special Exception

CASE NUMBER: 88-108-1
Corner SW/S Old North Point Road, NW/S Berkshire Road
1056 Old North Point Road
12th Election District - 7th Councilmanic
Legal Owner(s): Baltimore County, Maryland
Tenant: Southwestern Bell Mobile Systems, Inc., t/a Cellular One
HEARING: WEDNESDAY, NOVEMBER 15, 1989 at 9:30 a.m.

Notice: Please be advised that \$17.23 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204 (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: Stephen J. Nolan, Esq.
File

NOTE:
(If "PHASE II" of the "SHOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 837-3353

J. Robert Haines
Zoning Commissioner

OCT 8 2 1988

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception
CASE NUMBER: 88-108-1
Corner SW/S Old North Point Road, NW/S Berkshire Road
1056 Old North Point Road
12th Election District - 7th Councilmanic
Legal Owner(s): Baltimore County, Maryland
Tenant: Southwestern Bell Mobile Systems, Inc., t/a Cellular One
HEARING: WEDNESDAY, NOVEMBER 15, 1989 at 9:30 a.m.

Special Exceptions for a wireless transmitting facility (on an existing public tower).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:
(If "PHASE II" of the "SHOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Baltimore County/County's Attorney's Office
Southwestern Bell Mobile Systems, Inc., t/a Cellular One
Stephen J. Nolan, Esq.
File

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.
THOMAS J. BENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT E. CANILL, SR.
ROBERT E. CANILL, JR.
ROBERT E. CLARKSON
STEPHEN M. SCHENNING
DOUGLAS E. BURGESS
ROBERT E. CANILL, JR.
LOUIS G. CAGLE, III
THOMAS E. ALDERMAN
KEITH L. KOSTUN
ALSO ADMITTED IN D.C.

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 873-7800
TELEFAX (301) 296-2768

J. EARLE PLUMHOFF
THOMAS J. BENNER
JAMES D. NOLAN
JESSICA E. NOLAN
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 822-2121

July 11, 1989

HAND DELIVERY

Mr. Mitchell J. Kellman
Baltimore County Office
of Planning & Zoning
County Office Building
Towson, Maryland 21204

Re: Cellular One's Petition for Special Exception for Eastview Fire Station
Site - 1056 Old North Point Road

Dear Mitch:

For your information and review, I am enclosing herewith a copy of my letter to David Ransome setting forth the revisions which we discussed in your office last Friday afternoon.

I am confident that Mr. Ransome's office will promptly deliver revised plats to you so that this matter can proceed.

Also as we discussed, I am resubmitting herewith the amended Petitions for Special Exception and a check for filing costs in the amount of \$175.00.

Thank you for your continuing assistance. As we discussed, Cellular One urgently needs to expedite this matter in order to meet telephone subscriber needs along the I95 corridor.

Very truly yours,

Stephen J. Nolan

Enclosures

CC: Arnold Jablon, Esquire
County Attorney
Mr. David Ransome
Gerhold, Cross & Etzel
Ms. Emilienne O'Rourke
Cellular One - Director of Real Estate

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 873-7800
TELEFAX (301) 296-2768

J. EARLE PLUMHOFF
(1940-1988)
JAMES D. NOLAN
(DECEASED, 1980)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 822-2121

July 10, 1989

HAND DELIVERY

Mr. David Ransome
Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

Re: Cellular One's Petition for Special Exception for Eastview Fire Station
Site - 1056 Old North Point Road

Dear Mr. Ransome:

As we discussed by telephone, I met with Mr. Mitch Kellman of the Zoning Office on Friday afternoon, July 7. During that meeting, Mr. Kellman requested that several revisions be made to the site plan and materials originally submitted by our office on June 28.

The required changes are described as follows:

1. Add a typed line at the end of the Zoning Description setting forth the acreage of the entire parcel and the house number, namely 1056 Old North Point Road;
2. On the profile of the existing tower (shown as an inset on the site plan dated May 17, 1989), please show and label Cellular One's proposed antennae placement amidst the other antennae already shown. Please label as "Cellular One" Meter Antennae on foot side arm (N/S/E/W) side."
3. Mr. Kellman and Carl Richards have concluded that a zoning variance will not be required in light of the provisions of Section 502.7.D.1 because the proposed antenna mounting is on an existing structure over fifty (50') feet in height. Therefore, the following Note should be added to the plan according to Mr. Kellman:

Mr. David Ransome
July 11, 1989
Page Two

"Pursuant to BCZR Section 502.7.D.1, the provisions of subparagraphs 502.7.C.1, 2, 3, 4 and 5 do not apply because the proposed antenna will be mounted on an existing structure over fifty feet in height."

4. Existing note #2 which refers to the variance should be eliminated. Instead, Mr. Kellman wants notes added to the plan which spell-out the requirements of Section 502.7.C 6 through 10. I suggest that the following Note be added:

"Pursuant to BCZR Sections 502.7.C 6-10, the following additional requirements shall be met:
6. Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times;
7. When the use is terminated, the structure shall be removed;
8. Every five years or sooner, in the event of substantial damage, a safety certification by a professional engineer registered in Maryland shall be filed with the Department of Permits and Licenses;
9. No white strobeoscopic lights are permitted;
10. An environmental impact statement as defined in Sections 101 and 502.7.C.10 shall be submitted to the Zoning Commissioner;
11. The Zoning Commissioner shall determine that the proposed antennae shall not have a substantial adverse impact on surrounding property values, park lands or open space."

Also enclosed herewith is a copy of my letter of this same date to Mitch Kellman, to whom I am returning a check for \$175 to cover the increased filing fee as of July 1 (on June 28 we tendered a check for \$200 to cover the special exception and the variance) and the revised special and exception forms with added language which Mr. Kellman requested.

Copies of this letter are also being sent to Arnold Jablon, the County Attorney, and to Emilienne O'Rourke, Cellular One's Director of Real Estate.

Anything you can do to expedite the delivery of 10 revised plans directly to Mr. Kellman as soon as possible would be appreciated.

Mr. David Ransome
July 11, 1989
Page Three

greatly appreciated. Also please forward 5 plans to me so that I can appropriately distribute them to Mr. Jablon, Ms. O'Rourke and other parties involved.

Thank you for your assistance.

Very truly yours,

Stephen J. Nolan

SJN/mao

Enclosures

CC: Arnold Jablon, Esquire
County Attorney
Emilienne O'Rourke
Director of Real Estate
Cellular One

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 20, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 19, 1989.

THE JEFFERSONIAN,

S. Zebe Orlum

Publisher

RD 17310
reg 134253
ca 90-169-X
price \$47.28

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12-74 Date of Posting: 10/24/89
Posted for: Special Exception
Petitioner: Baltimore County, Md. & S. Zebe Orlum, Baltimore County, Md.
Location of property: 1056 Old North Point Road
Location of Sign: 1056 Old North Point Road
Remarks: 1056 Old North Point Road
Posted by: M. Haines
Number of Signs: 1
Date of return: 11/3/89

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(410) 887-3753

NOTICE OF HEARING
The Zoning Commission of Baltimore County is hereby giving notice that the following applications for a Zoning Change and Amendments to Baltimore County will hold a public hearing on November 14, 1989 at 10:00 of the County Office Building, located at 1111 W. Chesapeake Avenue, Baltimore, Maryland 21201.
Application for Special Exception Case NUMBER: 89-129-1
Case: CRYSTAL BAY NORTH EAST DRIVE
APPLICANT: CRYSTAL BAY NORTH EAST DRIVE
1954 6th Beach Point Drive
12th Election District
1st Precinct
Legal Owner(s):
CRYSTAL BAY NORTH EAST DRIVE
CRYSTAL BAY NORTH EAST DRIVE
Mobile Systems, Inc., c/o
Cablestar One
10000 W. JONES RD.
BETHESDA, MARYLAND 20814
NOVEMBER 14, 1989 at 10:00 a.m.
Special Exception: for a wireless transmitting facility for an existing public mobile radio system.
In the event that this Petition is granted, a building permit may be issued for the proposed structure for the period. The Zoning Commission will however, entertain any request for a stay of the hearing for a period of 30 days. This request for a stay of the hearing, should be in writing and accompanied by this notice by the applicant. The hearing will be presented at the hearing.
NOTE:
If "PHASE II" OF THE EMERGENCY PLAN" is in effect at Baltimore County on the above hearing date, the Hearing will be held at the County Office Building, telephone 867-3391 or continue hearing at the County Office Building.
ZONING COMMISSIONERS
BALTIMORE COUNTY, MARYLAND

4 N. Center Place
P. O. Box 8936
Dundalk, Md. 21222

October 19, 1989

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hgcs. Case 9C-169-X - P.O. #17309 - Req. #M34252 - 90 lines was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for one ~~unpublished~~ week before the 20th day of October 1989; that is to say, the same was inserted in the issues of 1989, 1989

Kirnbel Publication, Inc.
per Publisher.
By L. E. Burke

**ENVIRONMENTAL IMPACT ASSESSMENT
OF CELLULAR ONE'S PROPOSED
RADIO TELEPHONE STATION
EAST POINT AREA OF
BALTIMORE COUNTY, MARYLAND**

**PETITIONER'S
EXHIBIT 6**

Versar INC.
ENVIRONMENTAL RISK MANAGEMENT

**ENVIRONMENTAL IMPACT ASSESSMENT
OF CELLULAR ONE'S PROPOSED
RADIO TELEPHONE STATION
EAST POINT AREA OF
BALTIMORE COUNTY, MARYLAND**

Versar INC.
ENVIRONMENTAL RISK MANAGEMENT

**PETITIONER'S
EXHIBIT 5**

it is true looking 5 from
England Nursing No. 1
14.

B. Fire station and
existing tower
looking N down
sub main side

A. Eastview Fire Station - Looking
E across Old North Point Rd.

**PETITIONER'S
EXHIBIT 2**

ETITIONER'S
XHIBIT 2

CELLULAR ONE

 A Southwestern Bell Company

Account: R C01-6150
Number

Side view of Eastpoint Nursing Home - Tower to ...

✓ Looking S of 1050, past
fire station and toward
commercial uses on
E/507 Road.

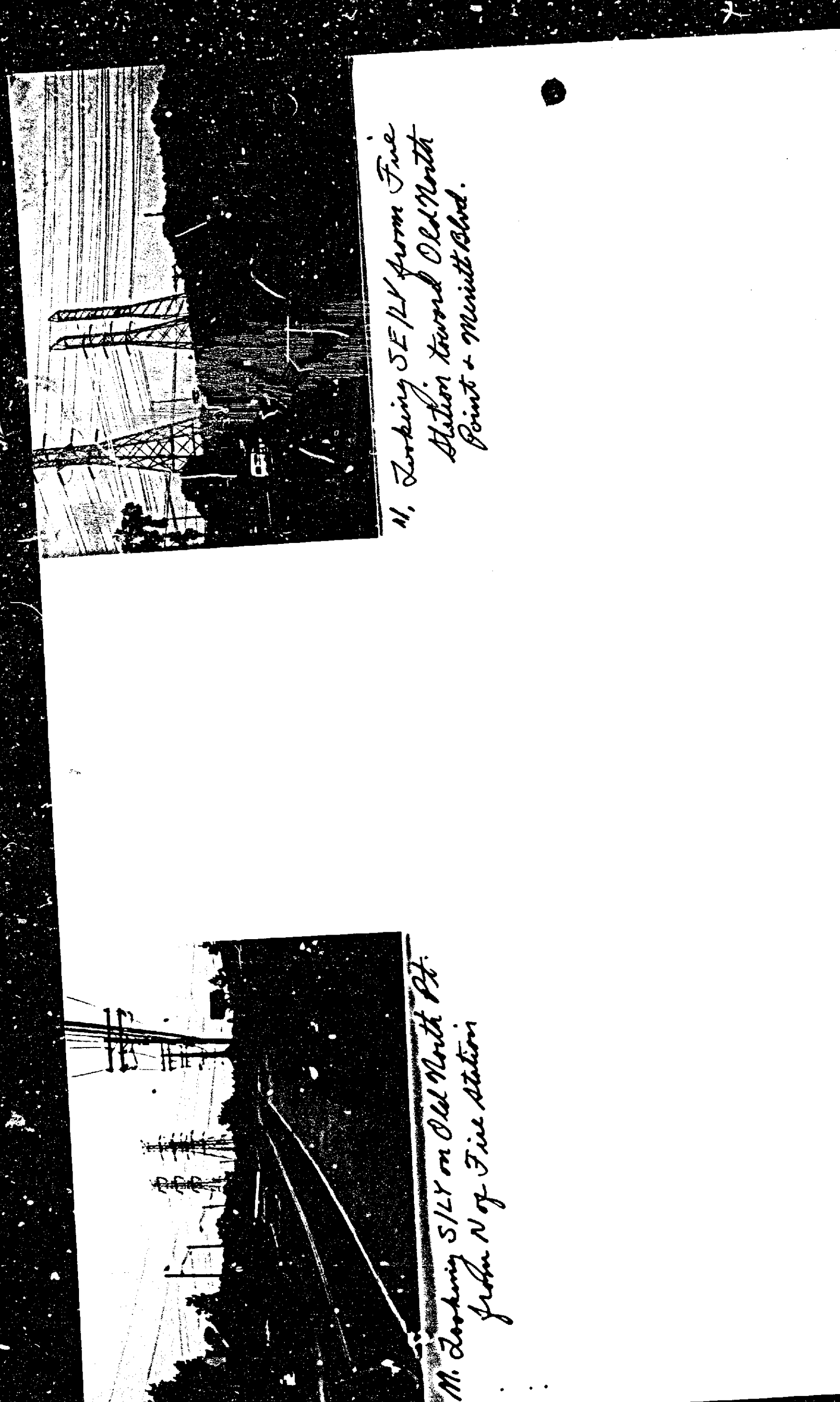
Looking SE at tower and
near of Fair station

5. Looking SW from Fair Station's Lot -
at group homes to NW

Town is near
Eastern Professional Building
1050 Old North Point Road.

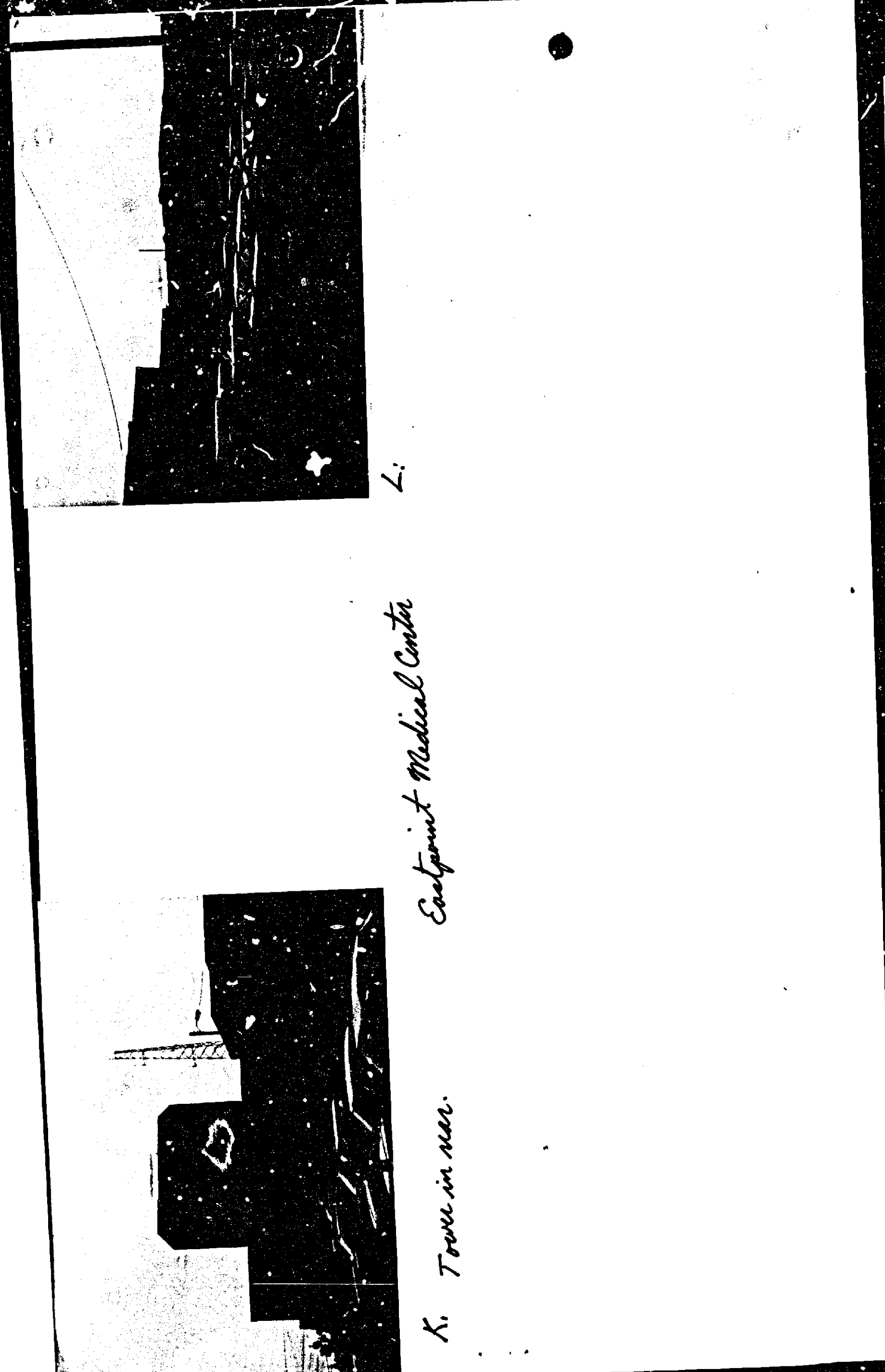
D. Base of spitting tower at rear, i.e.
N/S of Fire Station, looking E
from parking lot.

F. Looking S toward Berkshire Rd.
across fire station's lot, station
on left.



1. Looking SE 1/4 from Fire Station toward Old North Point + Mount Airy.

M. Looking S 1/4 on Old North Pt. from N of Fire station



Eastpoint Medical Center

K. Town in view.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 31, 1989

Stephen J. Nolan, Esquire
300 E. Joppa Road, Suite 1105
Towson, MD 21204

RE: Item No. 30, Case No. 90-169-X
Petitioner: Baltimore County, et al
Petition for Special Exception

Dear Mr. Nolan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Arnold Jablon
Ms. Emilienne O'Rourke

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this 26th day of August, 1989.

J. Robert Haines
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Baltimore County, et al
Petitioner's Attorney: Stephen J. Nolan

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
FROM: Pat Keller, Deputy Director, Office of Planning and Zoning
SUBJECT: Zoning Petition No. 90-169, Baltimore County, Maryland, Arnold Jablon, County Attorney, Southwestern Bell Mobile Systems, Inc., 7/A Cellular One - Item 30

DATE: November 1, 1989

The Petitioner requests a Special Exception for a wireless transmitting facility (on an existing public tower) pursuant to Section 1801.1.C.20(B.C.2.12).

In reference to this request, Staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:gg1
ZP90/169

11/1/89 sent late comments

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Assistant Secretary

September 26, 1989

RE: Baltimore County
Eastview Fire Station
Zoning meeting 8/8/89
W/3 Old North Point Rd
MD 20
at Berkshire Road
Item #30

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Dear Mr. Haines:

After reviewing the submittal for a special exception for a wireless transmitting facility on an existing public tower, we find the plan acceptable.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,
Creston J. Mills, Jr.
Chief
Engineering Access Permits
Division

LB/es

cc: Gerhold, Cross and Etzel
Mr. J. Ogil

My telephone number is (301) 333-1350

383-7555 Baltimore Metro - 865-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
AUG 31 1989
ZONING OFFICE

August 25, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, and 42.

Very truly yours,
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lw

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204 2506
(301) 887-4500
Paul H. Reincke
Chief

AUGUST 11, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BALTIMORE COUNTY, MARYLAND
Location: CORNER OF SW/S OF OLD NORTH POINT ROAD
Item No.: 30 Zoning Agenda: AUGUST 8, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. Site Plans are approved, as drawn.

REVIEWER: [Signature] Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

UK 10.5

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

PERMIT #: B03
RECEIPT #: 1
CONTROL #: 89
XREF #:

PROPERTY ADDRESS 1056 Old North Point Rd

FEE: 764.00
PAID: 80.00
PAID BY: YBP
INSPECTOR: 12

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

BUILDING 1 or 2 FAM.
CODE CODE
BOCA CODE

TYPE OF IMPROVEMENT
1. ☒ NEW BLDG CONST
2. ☐ ADDITION
3. ☐ ALTERATION
4. ☐ REPAIR
5. ☐ WRECKING
6. ☐ MOVING
7. ☐ OTHER

TYPE OF USE
RESIDENTIAL

01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
05. (ENTER NO UNITS)
06. SWIMMING POOL
07. OTHER

TYPE FOUNDATION BASEMENT
1. SLAB 1. FULL
2. BLOCK 2. PARTIAL
3. CONCRETE 3. NONE

TYPE OF CONSTRUCTION TYPE OF HEATING FUEL TYPE OF SEWAGE DISPOSAL
1. MASONRY 1. GAS 3. ELECTRICITY 1. PUBLIC SEWER
2. WOOD FRAME 2. OIL 4. COAL 2. PRIVATE SEWER
3. STRUCTURE STEEL 3. ELECTRICITY 3. SEPTIC
4. REINF. CONCRETE 4. COAL 4. SEPTIC

CENTRAL AIR: 1. YES 2. NO 1. PUBLIC SYSTEM 1. EXISTS PROPOSED
ESTIMATED COST OF MATERIALS AND LABOR 2. PRIVATE SYSTEM 2. EXISTS PROPOSED

PROPOSED USE: Same + Equipment Shelter Bldg
EXISTING USE: Car Wash

OWNERSHIP
1. ☒ PRIVATELY OWNED 2. ☐ PUBLICLY OWNED

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS: 6. MIDRISE

1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. YES 2. NO BATHROOMS CLASS
POWDER ROOMS KITCHENS LIBER FOLIO improved

BUILDING SIZE 2.43 ac.
FLOOR SIZE 2.43 ac.
WIDTH 40
DEPTH 14
HEIGHT 10' 3"
STORIES 10' 3"
LOT # 3
CORNER LOT
1. YES 2. NO

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

PLEASE PRINT CLEARLY

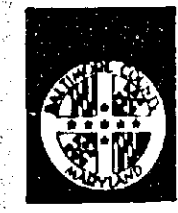
PETITIONER(S) SIGN-IN SHEET

NAME
Newton Williams
RONALD F. STEG
AMY O'ROURKE
Joseph E. Joyce
DAVID RANSOME

ADDRESS
700 Court Towers, 21204
6850 Versar Center, Springfield VA 22154
7855 WALKER DR., GREENBELT, MD 20771
7855 WALKER DR., GREENBELT, MD
412 DELAWARE AVE. BALTO. MD 21201

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

PROVISIONAL APPROVAL

PERMIT NO.: DATE:

ADDRESS: 1056 Old North Point Rd

ZONING HEARING/ITEM # 90-169X

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above-referenced permit and the issuance of this permit is subject to the following CONDITION:

In the event that the owner's/contract purchaser's petition for relief is denied; immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

J. Robert Haines
Zoning Commissioner

Same + Equipment Shelter Bldg
Owner/Contract Purchaser

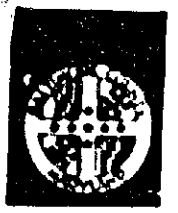
Address 7812 Wilson Ave
Baltimore MD 21234

Work Phone 560.2370
Home Phone 1645.9079

Notary Public Seal

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

PROVISIONAL APPROVAL

PERMIT NO.: B034824 C-1981-89 DATE: 10-19-89

ADDRESS: 1056 Old North Point Rd

ZONING HEARING/ITEM # 90-169X

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above-referenced permit and the issuance of this permit is subject to the following CONDITION:

In the event that the owner's/contract purchaser's petition for relief is denied; immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

J. Robert Haines
Zoning Commissioner

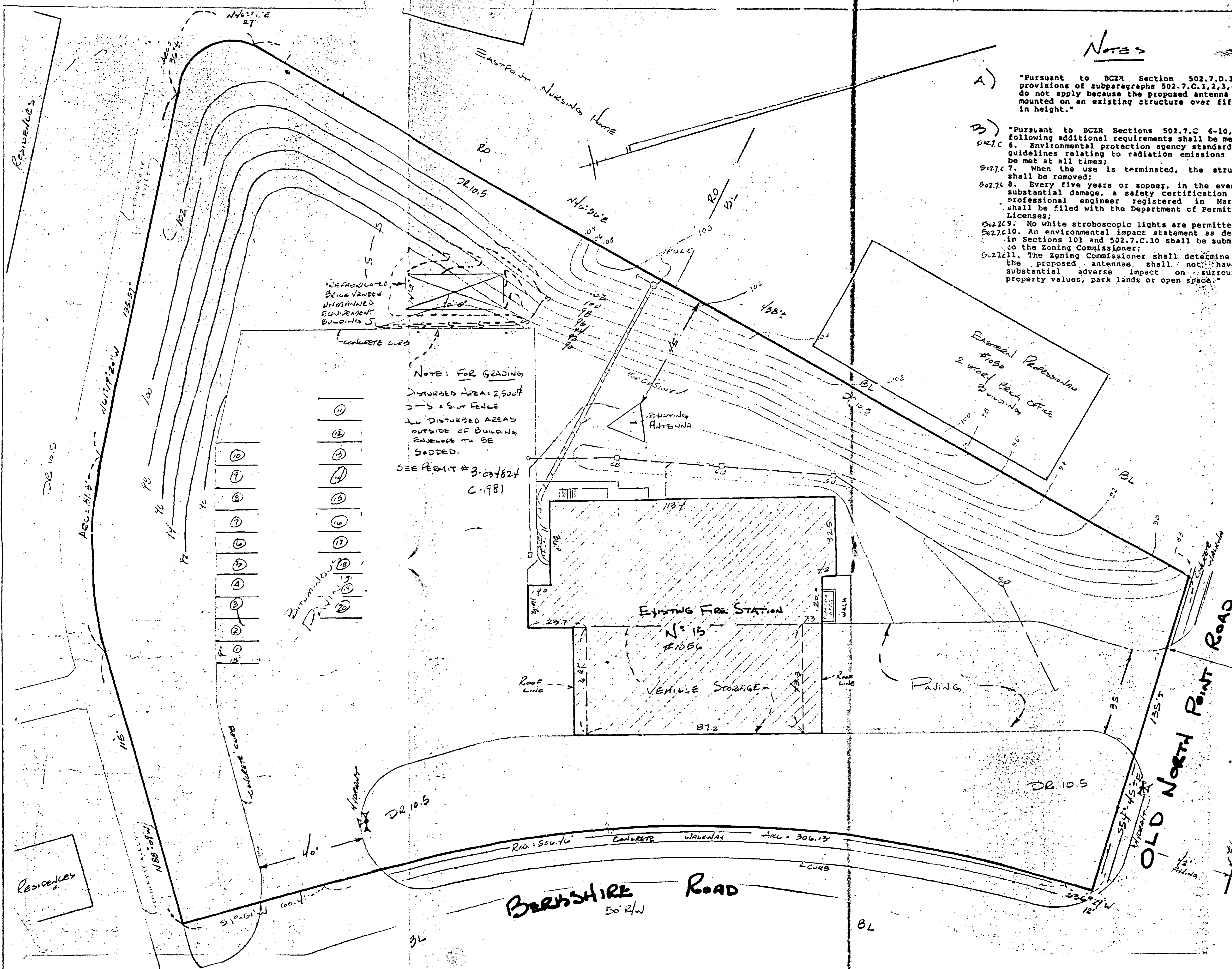
Same + Equipment Shelter Bldg
Owner/Contract Purchaser

Address 7812 Wilson Ave
Baltimore MD 21234

Work Phone 560.2370
Home Phone 1645.9079

Notary Public Seal

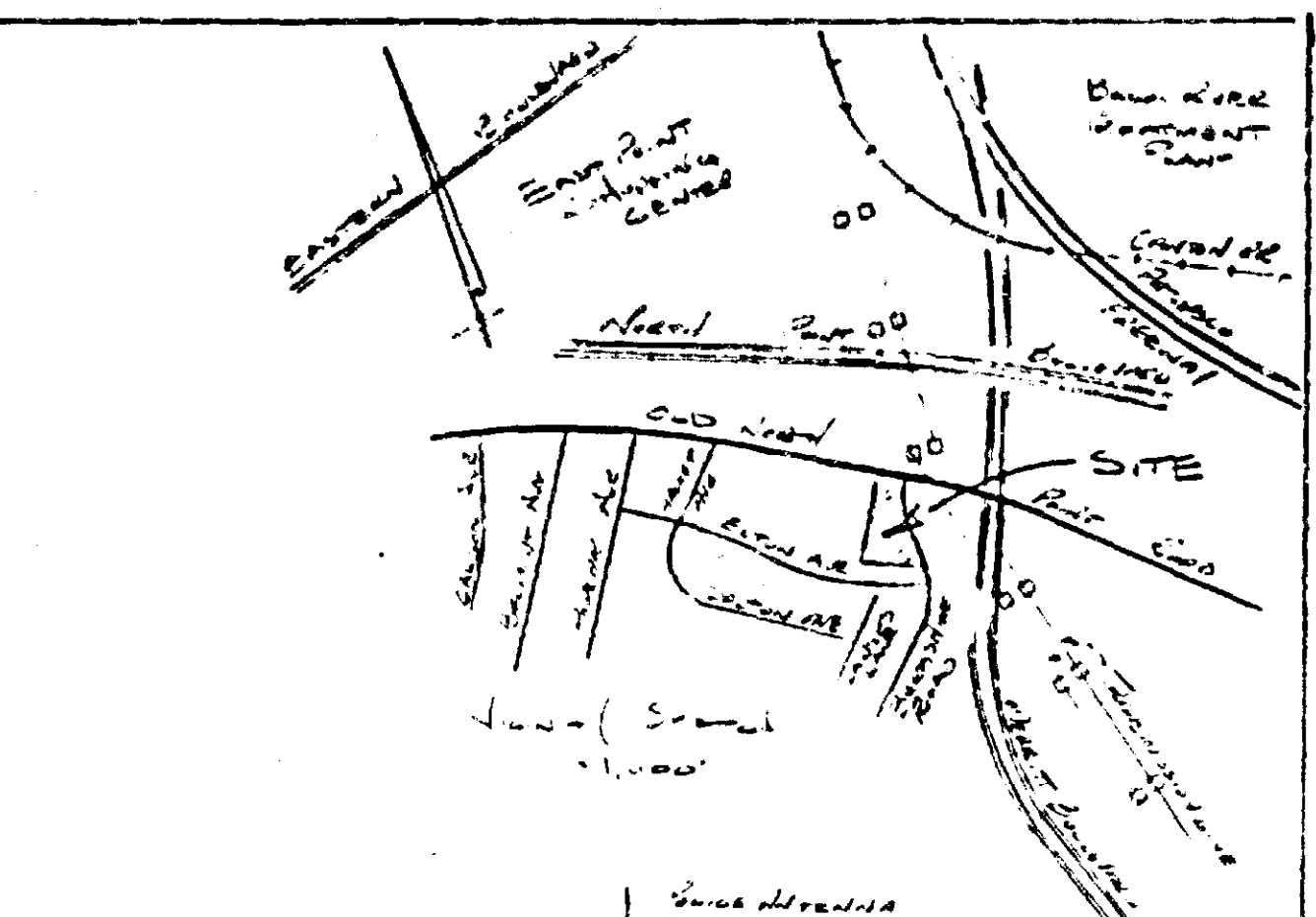
My Commission Expires July 1, 1990



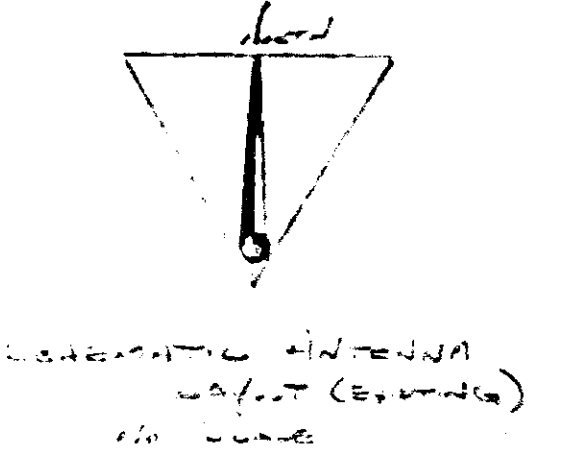
- NOTES**
- A) Pursuant to BCZR Section 502.7.D.1, the provisions of subparagraphs 502.7.C.1, 2, 3, 4 and 5 do not apply because the proposed antenna will be mounted on an existing structure over fifty feet in height.
 - B) Pursuant to BCZR Sections 502.7.C 6-10, the following additional requirements shall be met:
 6. Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times;
 7. When the use is terminated, the structure shall be removed;
 8. Every five years or sooner, in the event of substantial damage, a safety certification by a professional engineer registered in Maryland shall be filed with the Department of Permits and Licenses;
 9. No white strobeoscopic lights are permitted;
 10. An environmental impact statement as defined in Sections 101 and 502.7.C.10 shall be submitted to the Zoning Commissioner;
 11. The Zoning Commissioner shall determine that the proposed antennae shall not have a substantial adverse impact on surrounding property values, park lands or open space.

NOTE: FOR GRADING
 DISTURBED AREA: 2500'
 3" S & SUR FENCE
 ALL DISTURBED AREAS
 OUTSIDE OF BUILDING
 ENVELOPE TO BE
 SODDED.
 SEE PERMIT #B-037824
 C-1981

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PETITIONER'S EXHIBIT 1



PLAT FOR
 SPECIAL EXEMPTION TO PERMIT A WIRELESS TRANSMITTING & RECEIVING FACILITY
 AT AN EXISTING FACILITY APPLICATION OF A NEW USER, COMMERCIAL BELL
 MOBILE, ITEM ENG. TRADING AS WASHINGTON/BALTIMORE CELLULAR TELEPHONE
 CO. (SEE D.C. Z.R. SEC 502.7 + 501.6.20 ALSO BILL 64-86)

LOCATED AT THE
EASTVIEW FIRE STATION SITE - 23RD DISTRICT BALTIMORE CO. MD
 4136 OLD NORTH POINT ROAD
 JUNE 7-13-89
 MAJ 17-1989
 SCALE 1"=20' DEPT. 30-1988 ADDITIONS 11-10-89

GERHOLD, CROSS & ETZEL
 Registered Professional Land Surveyors
 412 Delaware Avenue
 TOWSON, MARYLAND 21204

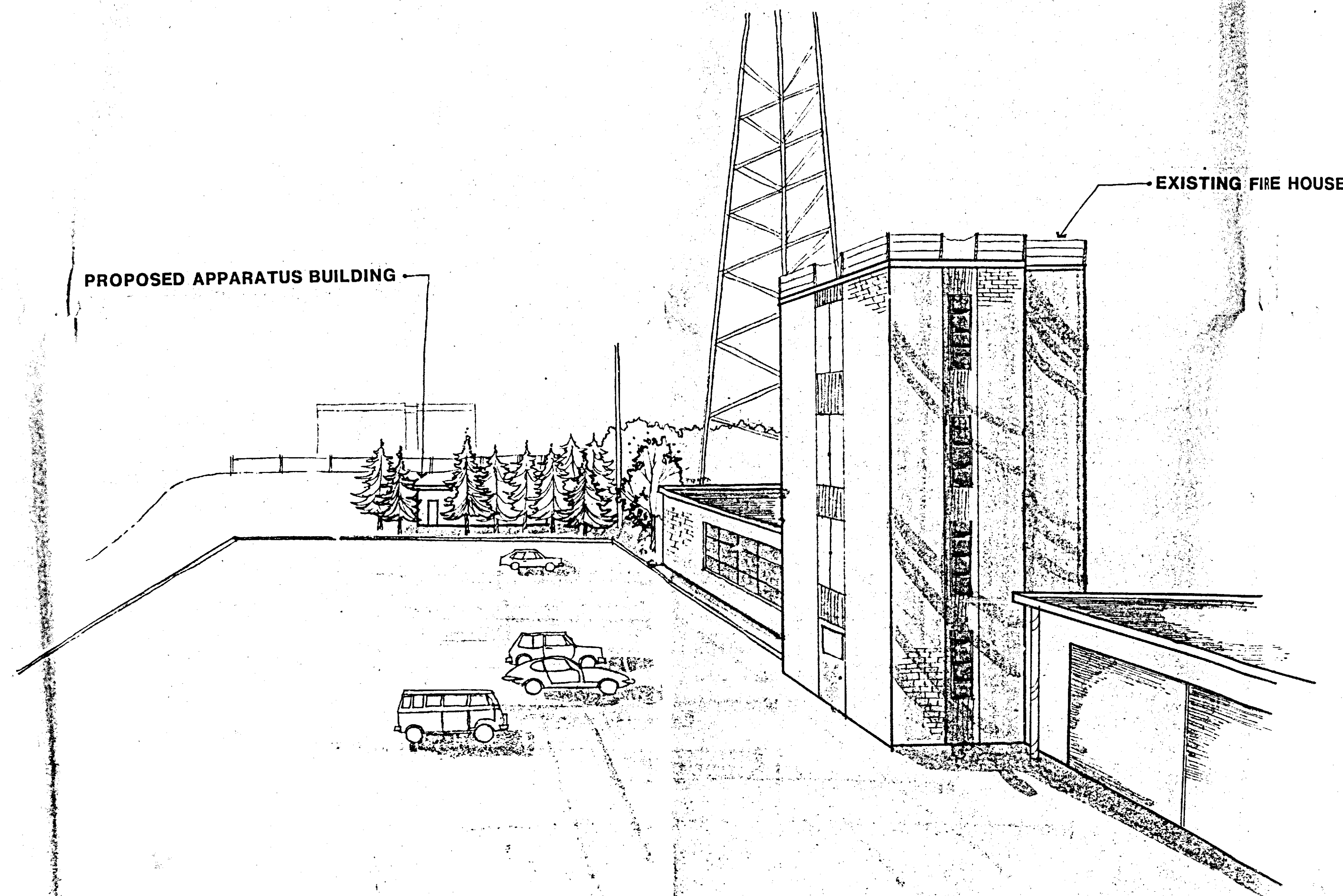
PARKING DATA

TOTAL AREA OF BUILDING	85554
VEHICLE STORAGE AREA	37752
AREA TO BE USED FOR PARKING DATA	47804
PARKING REQUIRED	4500 + 1.25/1000 = 15.1 SPACES
PARKING PROVIDED	20 SPACES

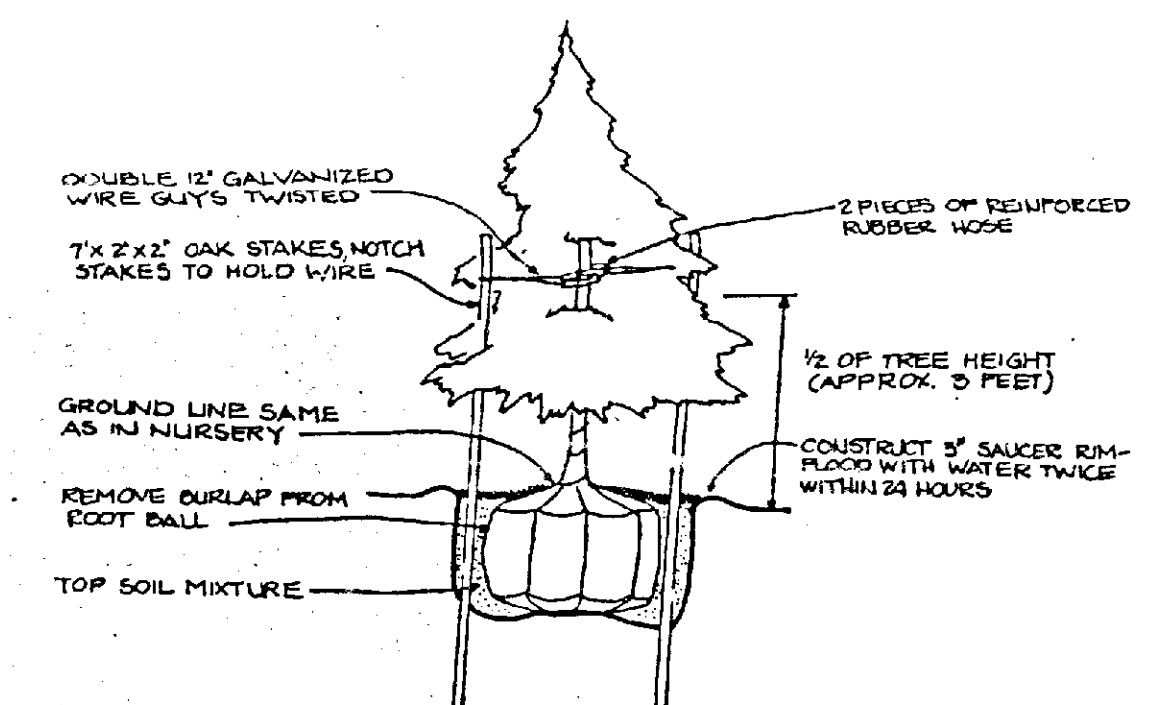
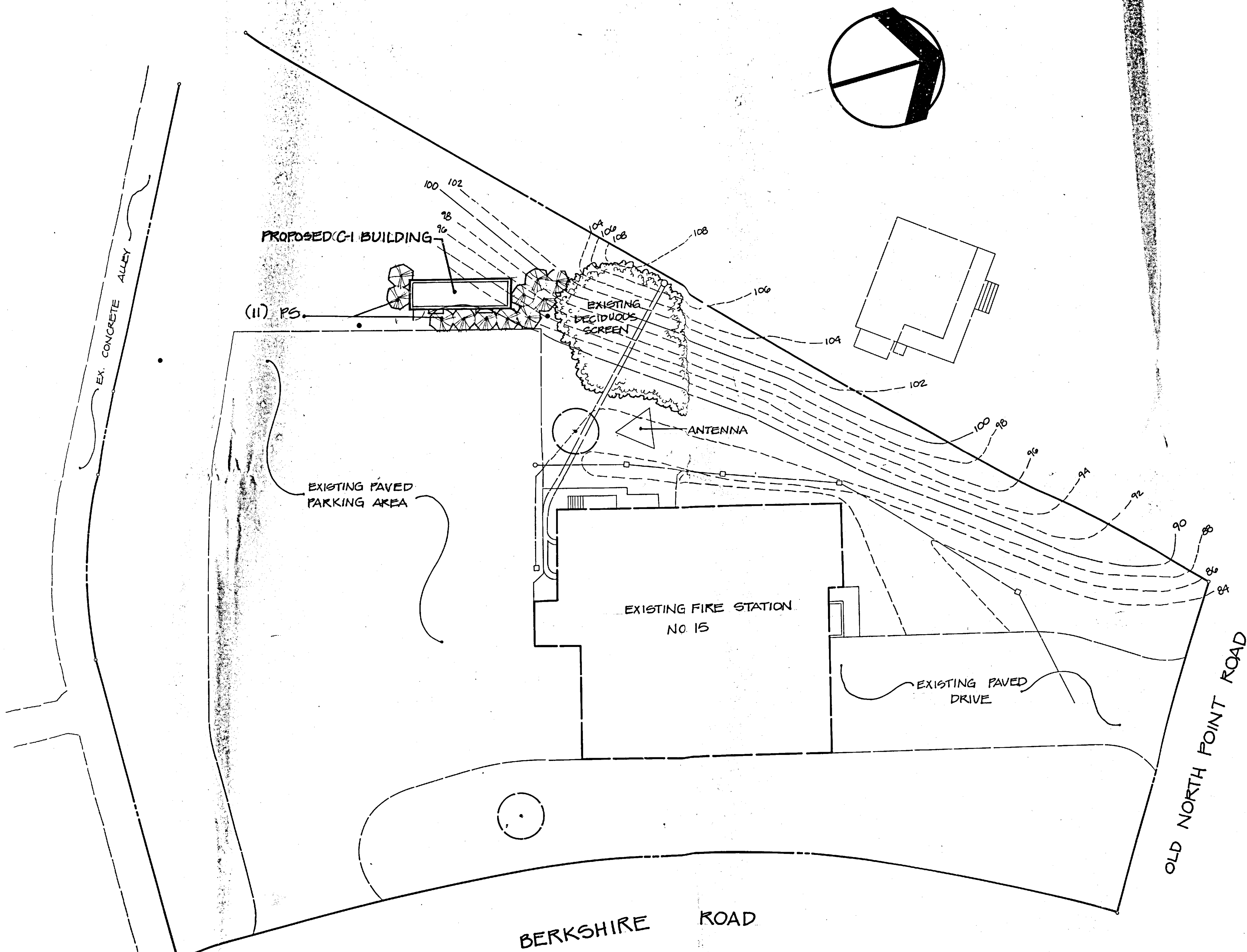
OWNER: BALTIMORE CO MD
 EXISTING ZONING: D2 10.5
 ZONING REF: 236 N 1236-181
 AREA: 2.3 ACRES

NOTE: PLAT COMPILED FROM PLATS ON FILE
 WITH BALTIMORE CO FIRE DEPT.

EASTVIEW FIRE STATION
CELLULAR 1 APPARATUS BUILDING



PETITIONER'S
EXHIBIT 3



EVERGREEN PLANTING DETAIL
NO SCALE

DATE	NO.	REVISION	
OWNER/		PETITIONER'S	
		EXHIBIT 4	
PROJECT: EASTVIEW FIRE STATION CELLULAR I APPARATUS BUILDING			
AREA			
TITLE: LANDSCAPE PLAN			
THE RIEMER GROUP, INC.			
The Riemer Group, Inc. A Land Planning, Design & Civil Engineering Firm 3105 North Ridge Road, Ellicott City, Maryland 21043 (301) 461-2690			
DATE		DESIGNED BY: LLB	
		DRAWN BY: DDB	
		PROJECT NO:	
		DATE: OCT 20, 1988	
		SCALE: 1"=20'	
		DRAWING NO. 1 OF 1	